IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.478 OF 2005

IN

SUIT NO.432 OF 2005

Dr.Ramesh Laxmichand Shah. ... Plaintiff.

vs.

1.Shri.Hemant Vissanji & others. .... Defendants.

Mr.N.P.Bapat with G.V.Limaye, for Plaintiff.

Mr.B.B.Saraf i/b. Ranjit Dharmadhikari, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 17th March,, 2006

P.C.:-

1. This is a notice of motion taken out by the plaintiff. The plaintiff by this notice of motion claims mandatory interim injunction of reinstating the plaintiff as Honorary General Thoracic Surgeon in the Hospital. The decree that is claimed in the suit is for setting aside the removal order dated 29.12.2004 and for decree of reinstatement in service. A decree of reinstatement in service cannot be passed in

favour of the plaintiff and therefore, obviously, the plaintiff does not have prima facie case, and therefore, there is no question of granting any interim order in favour of the plaintiff. The notice of motion is therefore, disposed of.